

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
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Gangtok

Saturday 29th September, 2018

No. 538

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 25/LD/18

Date: 29.09.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 24th day of September, 2018 is hereby published for general information:-

THE SIKKIM LOKAYUKTA (AMENDMENT) ACT, 2018

(ACT NO. 25 OF 2018)

AN

ACT

further to amend the Sikkim Lokayukta Act, 2014.

BE it enacted by the Legislature of Sikkim in the Sixty-ninth Year of the Republic of India, as follows:-

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| Short title,
extent and
commencement | <p>1. (1) This Act may be called the Sikkim Lokayukta (Amendment) Act, 2018.</p> <p>(2) It shall extend to the whole of Sikkim.</p> <p>(3) (a) The amendment of Section 9 and 18 shall be deemed to have come into force on the 27th day of February, 2014.</p> <p>(b) The amendment of the Act by way of insertion of new Section 37A and the amendment of Section 45 shall come into force at once.</p> |
| Amendment of
Section 9 | <p>2. In the Sikkim Lokayukta Act, 2014, (hereinafter referred to as the said Act), in Section 9 for the existing sub-section (5), the following sub-section shall be substituted, namely:-</p> <p>“(5) The Chairperson, Lokayukta, Sikkim may make such other appointment in the Lokayukta for such purpose and with such designation as may be deemed necessary.”</p> |

- Amendment of Section 18** 3. In the said Act, in Section 18, after the word and letter "clause (c)" and before the words and figures "of sub-section (1) of Section 13", the words and letter "or clause (e)" shall be inserted.
- Insertion of new Section 37A** 4. In the said Act, after Section 37, the following new Section 37A shall be inserted, namely:-
- "37A Intentional insult or interruption to, or bringing into disrepute, Lokayukta.-**
- (1) Whoever offers any insult, or causes any interruption to Lokayukta or causes wilful disobedience to any direction of Lokayukta while the Lokayukta is conducting any investigation, preliminary inquiry under this Act shall be punished with simple imprisonment for term which may extend to six months, or with a fine of not less than rupees five hundred but not more than rupees one thousand or with both.
- (2) Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act which is calculated to bring the Lokayukta into disrepute, shall, be punished with simple imprisonment for a term which may extend to six months, or with a fine of not less than rupees five hundred but not more than rupees one thousand or with both.
- (3) No Court shall take cognizance of an offence under sub-section (1) or sub-section (2), except by a Court of competent jurisdiction and unless the complaint is made by the Public Prosecutor of the Lokayukta or by an officer authorized by the Lokayukta.
- Amendment of Section 45** 5. In the said Act, after Section 45, the following proviso shall be inserted, namely:-
- Provided that cases which were instituted or registered prior to the commencement of this Act involving ingredients of the Prevention of Corruption Act, 1988 and the investigation in respect of those cases are still pending, the Lokayukta may order for conducting and continuing the investigation under its supervision.

K.C. Barphungpa (SSJS)
L.R-cum-Secretary
Law Department